

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:07cr108

UNITED STATES OF AMERICA )  
                                )  
                                )  
vs.                         )  
                               )  
                               )  
WARREN BRYANT (5)         )  
                               )  
\_\_\_\_\_ )

ORDER

**THIS MATTER** is before the Court upon motion of the defendant pro se for a reduction of sentence based on the retroactive amendments to the United States Sentencing Guidelines relating to crack cocaine. (Doc. No. 103).

The defendant was then sentenced to 120 months' imprisonment pursuant to the mandatory minimum sentence prescribed in 21 U.S.C. § 841(b)(1)(B), based on his plea to conspiracy to possess with intent to distribute at least 30 but fewer than 50 grams of cocaine base. (Doc. No. 8: § 851 Information; Doc. No. 42: Plea Agreement at 1-2; Doc. No. 58: Judgment at 1-2; Doc. No. 59: Statement of Reasons at 1). Accordingly, the change in the guidelines does not affect the defendant's sentence. Neal v. United States, 516 U.S. 284, 296 (1996) (retroactive amendment to guidelines does not alter statutory mandatory minimum).

**IT IS, THEREFORE, ORDERED** that the defendant's motion is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, the Community Defender, the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: October 24, 2008

  
Robert J. Conrad, Jr.  
Chief United States District Judge

